

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Case No. 09-cv-25

KERRI MACK, et al.,
Plaintiff(s),

v.

JURLEAN BAILEY, et al.,
Defendant(s).

PLAINTIFFS' PETITION FOR ATTORNEY'S FEES & COSTS

Plaintiffs, Kerri Mack, et al., through counsel, petition the Court for an award of attorney's fees and costs of the action, per 29 U.S.C. § 216(b), and state as follows:

1. Plaintiffs sued Defendants for violations of the Fair Labor Standards Act, claiming unpaid wages and overtime pay. The FLSA provides that “[t]he court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.” 29 U.S.C. §216(b).

2. This action resolved by the Court's Order of November 8, 2010, directing entry of judgment in Plaintiffs' favor upon the stipulation of the parties. Document No. 53. The judgment awarded Plaintiffs \$21,342.26, jointly and severally. The parties stipulated that Plaintiffs are entitled to an award of attorney's fees and expenses, such amounts to be determined by the Court. Document No. 51.

3. In support of this petition, Plaintiffs have filed the declaration of Gordon Leech, their attorney of record, at Exhibit A, verifying his detailed time records and costs. Attorney Leech's qualifications are reflected in his declaration and his Curriculum Vitae, filed at Exhibit B.

4. Plaintiffs request the Court to enter an award of attorney's fees in the amount of \$22,545.25, based on 69.37 hours of attorney time at the hourly rate of \$325. Plaintiffs have filed their itemized statement of attorney's time at Exhibit C.

5. Plaintiffs request the Court to enter an award of costs in the amount of \$1,305.70, to the extent these costs are not recovered under 28 U.S.C. § 1920 through Plaintiffs' proposed Bill of Costs submitted at Document No. 55. Plaintiffs have filed their itemized statement of costs and supporting documents at Exhibit D.

6. Plaintiffs have filed the declarations of attorneys Jeff Scott Olson and Walter F. Kelly in support of this petition, Exhibits E and F respectively, verifying the reasonableness of the requested hourly rate for Gordon Leech, the total number of hours requested for the award of attorney's fees and as to the reasonableness of the amount of costs.

7. Whereas the Court has previously entered judgment in this matter, Plaintiffs request the Court to amend the judgment upon entering an award for their attorney's fees and costs accordingly.

8. Plaintiffs' counsel conferred with Defendants' counsel prior to filing this petition to either resolve or narrow the issues, but the disputes presented herein remain between them.

WHEREFORE, Plaintiffs, Kerri Mack, et al., respectfully requests the Court to GRANT this petition and award them a total of \$23,850.95 for their attorney's fees and costs, to direct entry of or amendment to the judgment accordingly, and other relief that the Court deems appropriate.

Respectfully submitted,

s/GORDON R. LEECH
Wis. Bar No. 1039489

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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Mark J. Goldstein, Mark J. Goldstein, S.C., Attorneys for Defendants, Jurlean Bailey and Ark of the New Covenant Church of God in Christ, Inc., doing business as Ark Haven for the Elderly, this 22nd day of November, 2010.

s/Gordon R. Leech